

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

NITIN KOHIL, on Behalf of Himself and All
Others Similarly Situated,

Plaintiff,

v.

ACTINIUM PHARMACEUTICALS, INC.,
SANDESH SETH, AVINASH DESAI,
MADHURI VUSIRIKALA, and SERGIO
GIRALT,

Defendants.

Civil Action No. 1:25-cv-02553-JPO

CLASS ACTION

DEMAND FOR JURY TRIAL

**STIPULATION AND ORDER APPOINTING NITIN KOHLI AND THE HANDEL
FAMILY LIMITED PARTNERSHIP AND STANLEY HANDEL AS
AS LEAD PLAINTIFF AND APPROVING THEIR SELECTION OF LEAD COUNSEL**

WHEREAS, on March 27, 2025, Plaintiff Nitin Kohli (“Kohli”) filed the above-captioned securities class action (the “Action”) alleging that from October 31, 2022, through August 2, 2024, Actinium Pharmaceuticals (“Actinium” or the “Company”) and certain of the Company’s senior officers and board members (collectively, “Defendants”) defrauded investors in violation of Sections 10(b) and 20(a) of the Securities Exchange Act of 1934 (15 U.S.C. §§ 78j(b), 78t(a)), and U.S. Securities and Exchange Commission Rule 10b-5 promulgated thereunder (17 C.F.R. § 240.10b-5);

WHEREAS, pursuant to the Private Securities Litigation Reform Act of 1995 (“PSLRA”), 15 U.S.C. § 78u-4(a)(3)(A)(i), on March 27, 2025, counsel for Kohli published a notice on Business Newswire which alerted investors to the pendency of the Action and the deadline of May 27, 2025 to file a motion seeking Lead Plaintiff status (ECF No. 19-1);

WHEREAS, under 15 U.S.C. § 78u-4(a)(3)(A)(i)(II), the statutory deadline to file a motion for appointment as Lead Plaintiff in the Action expired on May 27, 2025;

WHEREAS, on May 27, 2025, Kohli timely filed a motion seeking appointment as Lead Plaintiff and approval of his selection of Scott+Scott Attorneys at Law LLP (“Scott+Scott”) as Lead Counsel for the class (ECF No. 18);

WHEREAS, on May 27, 2025, Handel Family Limited Partnership and Stanley Handel (the “Handel Family”) timely filed a motion seeking appointment as Lead Plaintiff and approval of its selection of The Rosen Law Firm, P.A. (“Rosen”) as Lead Counsel for the (ECF No. 21);

WHEREAS, the PSLRA establishes a presumption that the “most adequate plaintiff” is the “person or group of persons” that “has the largest financial interest in the relief sought by the class” and “otherwise satisfies the requirements of Rule 23 of the Federal Rules of Civil Procedure” (15 U.S.C. § 78u-4(a)(3)(B)(iii)(I));

WHEREAS, Kohli and the Handel Family have similarly sized losses of over \$600,000 each, and therefore have the “largest financial interest” in the relief sought by the class in the Action (15 U.S.C. §78u-4(a)(3)(B)(iii)(bb));

WHEREAS, in addition to possessing the largest financial interest in the outcome of the litigation, Kohli and the Handel Family satisfy the relevant requirements of Rule 23 (see 15 U.S.C. § 78u-4(a)(3)(B)(iii)(I)(cc));

WHEREAS, Kohli, a sales director, is a sophisticated investor with over 20 years of investing experience (ECF No. 19-5);

WHEREAS, the Handel Family led by Stanley Handel, a retired doctor, is a sophisticated investor with over 40 years of investing experience (ECF No. 22 at 7);

WHEREAS, Kohli and the Handel Family concluded that a protracted dispute concerning Lead Plaintiff appointment in this Action is not in the best interests of the class and that jointly prosecuting this Action would be appropriate and assist with the speedy and efficient litigation of the action;

WHEREAS, Kohli and the Handel Family are committed investors with significant financial interests in prosecuting this securities class action;

WHEREAS, Kohli and the Handel Family are committed to supervising the conduct of this litigation by their counsel and to ensuring that counsel coordinate appropriately and avoid duplication of effort in the conduct of the litigation;

WHEREAS, Kohli and the Handel Family believe it is in the best interests of the class for them to work together to efficiently litigate the Action as Lead Plaintiff, and for their choice of counsel, Scott+Scott and Rosen to serve as Lead Counsel;

WHEREAS, courts have endorsed stipulations among competing Lead Plaintiff movants, like here, as promoting the statutory purposes of the PSLRA, and have permitted “independent lead plaintiff movants [to] join together to help ensure that adequate resources and experience are available to the prospective class in the prosecution of th[e] action and because [e]mploying a co-lead plaintiff structure . . . will also provide the proposed class with the substantial benefits of joint decision-making.” *In re Rockwell Med., Inc. Sec. Litig.*, No. 1:16-cv-01691-RJS, Dkt. No. 18 at 2-3 (S.D.N.Y. May 20, 2016) (internal quotation marks omitted) (citing *Pirelli Armstrong Tire Corp. Retiree Med. Benefits Tr. v. LaBranche & Co.*, 229 F.R.D. 395, 420 (S.D.N.Y. 2004)); *see also Deputy v. Akebia Therapeutics, Inc. et al.*, No. 1:22-cv-01411-AMD-VMS (E.D.N.Y.), ECF Order on June 28, 2022 (approving stipulation of competing lead plaintiff movants to serve as co-lead plaintiffs and approving their selection of co-lead counsel); *In re Grab Holdings Ltd. Sec. Litig.*, No. 1:22-cv-02189-VM (S.D.N.Y.), Dkt. No. 39 (same); *In re Altimune, Inc. Sec. Litig.*, No. 8:24-cv-01315-ABA (D. Md.), Dkt. No. 22 (same); *Pizzuto v. Homology Meds., Inc.*, No. 2:22-cv-01968-FLA-JPR (C.D. Cal.), Dkt. No. 38 (same); *Maurer v. Argos Therapeutics Inc., et al.*, No. 1:17-cv-00216-TDS-LPA (M.D.N.C.), Dkt. No. 26 (same); *In re Facebook, Inc. Sec. Litig.*, No. 5:18-cv-01725-EJD, Dkt. No. 56 at 2-3 (N.D. Cal. Aug. 3, 2018) (approving stipulation of lead plaintiff movants where movants “concluded that a protracted dispute concerning lead plaintiff appointment . . . [was] not in the best interests of the class and that jointly prosecuting [the] litigation would be appropriate and assist with the speedy commencement of [the] litigation”); *see also In re Millennial Media, Inc. Sec. Litig.*, 87 F. Supp. 3d 563, 570 (S.D.N.Y. 2015) (“A co-lead plaintiff structure best protects the interests of the class . . . and gives the class the advantages of the combined knowledge, experience, and judgment of both lead plaintiffs.” (collecting cases)); and

Lead Plaintiff and the approval of Lead Counsel in the Action.

IT IS HEREBY STIPULATED AND AGREED, subject to the Court's approval,
as follows:

1. The motions to appoint Kohli and the Handel Family as Lead Plaintiff (ECF Nos. 18 and 21) are granted;
2. Pursuant to the PSLRA, 15 U.S.C. § 78u-4(a)(3)(B), Kohli and the Handel Family are appointed as Lead Plaintiff in the Action;
3. Pursuant to 15 U.S.C. § 78u-4(a)(3)(B)(v), Scott+Scott and Rosen are appointed as Lead Counsel in the Action;
4. Pursuant to Rule 42(a) of the Federal Rules of Civil Procedure, any pending, subsequently filed, removed, or transferred actions that are related to the claims asserted in the Action are consolidated for all purposes; and
5. The Action shall be captioned "*In re Actinium Pharmaceuticals, Inc. Securities Litigation*" and the file shall be maintained under Master File No. 1:25-cv-02553-JPO.

DATED: June 10, 2025

SCOTT+SCOTT ATTORNEYS AT LAW LLP

/s/Thomas L. Laughlin
Thomas L. Laughlin, IV
Nicholas S. Bruno
The Helmsley Building
230 Park Avenue, 24th Floor
New York, NY 10169
Telephone: (212) 223-6444
Facsimile: (212) 223-6334
tlaughlin@scott-scott.com
nbruno@scott-scott.com

*Counsel for Lead Plaintiff Movant Nitin Kohli and
Proposed Lead Counsel for the Class*

THE SCHALL LAW FIRM

Brian J. Schall
2049 Century Park East, Suite 2460
Los Angeles, CA 90067
Telephone: 310-301-3335
Facsimile: 310-388-0192
brian@schallfirm.com

Additional Counsel for Lead Plaintiff Movant Nitin Kohli

THE ROSEN LAW FIRM, P.A.

/s/Phillip Kim
Phillip Kim, Esq.
Laurence M. Rosen, Esq.
275 Madison Avenue, 40th Floor
New York, New York 10016
Telephone: (212) 686-1060
Fax: (212) 202-3827
Email: philkim@rosenlegal.com
Email: lrosen@rosenlegal.com

Counsel for Lead Plaintiff Movant Handel Family Limited Partnership and Stanley Handel and Proposed Lead Counsel for the Class

The Clerk of Court is directed to close the motions at Docket Numbers 18 and 21 and to re-caption the case: "In re Actinium Pharmaceuticals, Inc. Securities Litigation".

IT IS SO ORDERED.

Dated: June 24, 2025



J. PAUL OETKEN
United States District Judge